Remarks/Arguments

The Examiner is thanked for the careful review of this Application. Claims 71-101 are pending after entry of the present Amendment. Claims 1-70 were previously cancelled. Amendments were made to independent claims 71, 73, 87, and 99 to better define the claimed invention and to place the claims in better condition for appeal. The amendments do not introduce new subject matter.

Rejections under 35 U.S.C. § 103:

The Office has rejected the claims 71-101 under U.S.C. 103(a), as being unpatentable over U.S. Patent No. 6,546,419 to Humpleman et al. (Humpleman) in view of U.S. Patent No. 5,974,444 to Konrad. The Applicant respectfully traverses the Office's rejections.

It is respectfully submitted that the Office has failed to establish prima facie obviousness of the claimed invention, as the combination of Humpleman and Konrad fails to teach or suggest all the limitations of the claimed invention. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Further, it is submitted that no suggestion is made in any of the cited prior art, either explicitly or implicitly, to combine the teachings as claimed. The fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

The Applicant respectfully submits that in rejecting claims 71-101, the Office has failed to consider the combined elements and limitations in each independent claim. Humpleman and Konrad fail to teach a remote device driver, as defined in the claimed invention. In the Final Office Action, the Office has interpreted the control program in the Humpleman to be equivalent to the remote device driver defined in the claimed invention. The Applicant respectfully disagrees with the Office's interpretation, as the control program taught in Humpleman is a device driver used to control the peripheral device, and not a remote device driver. (It must be noted that the Office has specifically stated that Humpleman teaches all features and limitations in the claimed invention but one. The Office has cited to Konrad indicating that Konrad teaches that the device manager is adapted to approve requests to read or send data to the peripheral devices).

Humpleman teaches that each server device 14 (interpreted to be the peripheral device by the Office) can store respective server or service control program used to control the server device hardware. Column 5, lines 9-11. Thus, Humpleman teaches that each peripheral device

has an associated device driver, which can be stored on the respective server device itself. This is contrary to the teachings of the claimed invention wherein the device driver is located at a remote server domain so as to be provided to the peripheral devices, as needed.

Not only does Humpleman teach that the device driver can reside on the peripheral device, Humpleman also teaches an embodiment wherein a server device can control another server device. Such control is achieved by remotely controlling the control program in one server device from another server device in the network. Col 12, lines 16-20. To achieve such task, Humpleman teaches that the first server 14 includes a service application that is used to remotely control the control program defined on the second server while the second server also includes a service application that is used to control the first server using the control program defined in the first server. In this manner, aside from teaching that each peripheral device includes a respective device driver, Humpleman further teaches that each of the peripheral devices can include a service application that can be used to control the other peripheral devices.

As a result, besides including a device driver in each of the peripheral devices, Humpleman teaches adding yet another component on each of the peripheral devices. It must be noted that Humpleman is directed at methods and systems wherein a plurality of diverse devices having different capabilities can communicate and control each other and provide services. To achieve such objective, Humpleman specifically teaches that the controller component and the controller component should be defined in each device. Such teaching, however, defies one of many features of the claimed invention wherein the device driver service being used for each peripheral device is located remotely on the server domain, so that device specific code is not resident on the desktop unit. Accordingly, one of ordinary skill in the art would not have been motivated to modify Humpleman so as to define the device drivers at the server domain as defined in the claimed invention. Therefore, Humpleman fails to teach or suggest all the limitations of the claimed invention interpreted to be taught by the Office.

The Applicant further submits that the combination of Humpleman and Konrad also fails to teach or suggest the claimed invention, even if the control program of Humpleman can be interpreted to be equivalent to the remote device driver of the claimed invention (a proposition with which the Applicant disagrees). As Humpleman defines a control program in each server device, Humpleman teaches using multiple remote device drivers. In the claimed invention, however, one remote device driver is defined at the desktop and is coupled locally to the peripheral device or peripheral devices. In the claimed invention, the remote device driver can emulate the device driver for one or more of the peripheral devices and is not defined in the

peripheral device. One of ordinary skill in the art reading the teachings of Humpleman or Konrad would not have disregarded the teachings of Humpleman so as to define a single remote device driver.

Humpleman also discloses moving away from using a single common control device to control a plurality of peripheral devices. As such, one of ordinary skill in the art reading Humpleman would not have been motivated to limit the system in Humpleman where peripheral devices can control each other to a system wherein services are provided by one driver service defined on a server domain to a plurality of peripheral devices located on a desktop. Neither does Konrad.

In the claimed invention, the device manager defined at the server domain is adapted to approve requests to read or send data to the peripheral devices via the remote device driver. In the same manner, the device manager is adapted to control accessibility to peripheral devices via the remote device driver. However, Humpleman does not teach that the control program can provide such functions. Additionally, nothing in Konrad can cure such deficiency in Humpleman. The Office has specifically cited to Konrad in the Final Office Action indicating that controlling communication between the device service and the remote device driver of the claimed invention is taught by Konrad. The Office indicates that in Konrad, the Service Provider is enabled to retain control over who initiates a connection to the Desired Utility Service and receives its benefits. The Applicant respectfully submits that the Service Provider and the Desired Utility Service referred to by the Office are both defined in the remote host taught in Konrad. As such, none of the components of Konrad referred to by the Office in the Office Action provides the functionality of the remote device driver. Consequently, even if Humpleman and Konrad were combinable, the combination of Humpleman and Konrad would not have provided the remote device service of the claimed invention or its functionalities.

Furthermore, Humpleman would not have suggested using a device manager at the server domain, as if one HNORB 79 (interpreted to be the device manager by the Office) is used, such HNORB 79 has to be local to the network. As such, one reading Humpleman would not have gone against the explicit teachings of Humpleman and use a single HNORB 79 at the remote server domain. In Konrad, however, the Service Provider (interpreted to be the device manger by the Office) is defined remotely. As such, the teachings of Konrad as to the location of the Service Provider go against explicit teachings of Humpleman. Thus, one of ordinary skill in the art would not have been motivated to combine the two references.

Additionally, the translation server taught in Humpleman (interpreted to be the remote bus proxy of the claimed invention by the Office) can be defined at the desktop unit domain,

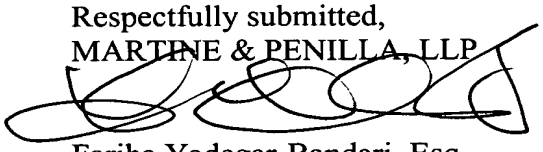
rather than the server domain, as defined in the claimed invention. More specifically, Humpleman teaches that translation can be done by translation servers internally at the desktop unit or outside at the server domain. In the claimed invention, however, the remote bus proxy is defined at the server domain and is an easy to use interface for both the device manager and the remote device driver. Such deficiency in Humpleman, as also acknowledged by the Office, cannot be cured by Konrad, as Konrad does not teach, suggest, or motivate using such interface.

Accordingly, independent claims 71, 73, 87, and 99 are respectfully submitted to be patentable under 35 U.S.C. § 103(a) over the cited prior art. In a like manner, dependent claims 72, 74-86, 88-98, 100, and 101, which directly or indirectly depend from respective independent claim are submitted to be patentable for at least the same reasons set forth above regarding the corresponding independent claim 71, 73, 87, and 99. As such, the Applicant respectfully requests that the § 103 (a) rejections be withdrawn.

The Applicant submits that this Amendment complies with 37 C.F.R. § 1.116(b) and should be entered. The amendments were made to better define the claimed invention and to place the claims in better condition for appeal. Thus, the amendments and remarks do not raise any new issues. Accordingly, the Applicant respectfully requests entry of this Amendment.

The Applicant respectfully requests examination on the merits of the subject application, and respectfully submits that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900, ext. 6913. The Applicant believes that no fees are due in connection with this filing, however, if it is determined that any fees are due, the Commissioner is authorized to charge such fees to Deposit Account 50-0805 (SUNMP568). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE & PENILLA, LLP



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